



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Case No. 06-23266
LESLIE TURNER,)	MC No. WGM-1
Debtor.)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION FOR RELIEF FROM AUTOMATIC STAY NOT INTENDED FOR
PUBLICATION**

These findings of fact and conclusions of law, which are not intended for publication, are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

Findings of Fact

Debtor filed her voluntary chapter 7 petition on August 24, 2006. She scheduled real property commonly known as 10609

1 West Saratoga Place, Littleton, CO 80127 ("property") as
2 property of the estate. The first meeting of creditors was
3 held on September 22, 2006. The chapter 7 trustee filed a
4 report finding that there is no property available for
5 distribution from the estate over and above that exempted by
6 the debtor. Debtor was discharged from all dischargeable debts
7 on November 29, 2006.

8 On November 21, 2006, Washington Mutual Bank ("movant")
9 filed a motion, notice, and declaration requesting that this
10 court vacate the automatic stay to permit movant to foreclose
11 upon the property. The fair market value of the property is
12 approximately \$240,000.00. Movant has a lien on the property
13 in the approximate amount of \$227,494.86. There are other
14 liens against the property in the approximate amount of
15 \$31,000.00.

16 Upon review of the record, the court determined that
17 the written record was adequate and that no oral argument is
18 necessary.

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20 Conclusions of Law

21 The automatic stay of acts against debtor in personam
22 expires when the debtor is granted a discharge. 11 U.S.C.
23 § 362(c)(2)(C). Acts against property of the estate remain
24 stayed until the earliest of the time when the bankruptcy case
25 is closed, dismissed, or the property ceases to be property of
26 the estate. 11 U.S.C. § 362(c). The automatic stay may be
27 terminated earlier if debtor fails to protect the secured
28 party's interest adequately, § 362(d)(1), and, with respect to

1 a stay of an act against property, debtor does not have equity
2 in the property, § 362(d)(2)(A), and the property is not
3 necessary to an effective reorganization. 11 U.S.C. §
4 362(d)(2)(B). The issue of whether the property is necessary
5 to an effective reorganization is not considered in a chapter 7
6 case because no reorganization is contemplated in a chapter 7
7 case.

8 Although the debtor does not appear to have any equity
9 in the property, since the debtor was granted a discharge, the
10 automatic stay has expired as to the debtor. Thus, the motion
11 insofar as it is directed at the interest of the debtor is moot
12 and will be denied.

13 However, the motion will be granted as to the interest
14 of the trustee.

15 An appropriate order will issue.

16 Dated: December 14, 2006

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20 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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Dated: 12/19/06

Marilyn Rigley
Deputy Clerk